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21 UNITED STATES DISTRICT COURT

22 DISTRICT OF NEVADA

23 SAFETY MUTUAL CASUALTY  
24 CORPORATION,

Case No. 2:10-cv-00426-PMP-PAL

25 Plaintiff,

26 vs.

27 COUNTY OF CLARK, and DOES 1  
28 through 50, inclusive,

Defendants.

CLARK COUNTY, NEVADA,

Counterclaimant,

vs.

SAFETY MUTUAL CASUALTY  
CORPORATION,

Counterdefendant.

**JOINT EMERGENCY MOTION AND STIPULATION AND ORDER TO EXTEND  
DISCOVERY DEADLINE [FOURTH REQUEST]**

Pursuant to our prior Stipulation and Order requesting the extension of a discovery deadline filed June 30, 2011 (#23), and this Court's Order entered by the U.S. Magistrate on July 7, 2011 (#25), the parties fully expected to complete all discovery in this matter by August 26, 2011. As part of this process, a number of depositions were scheduled during the final full week of August 23, 2011 which included the closing depositions of Clark County's representatives Elizabeth Ayers and Deputy District Attorney Clifford Jeffers, Clark County also completed the deposition of Plaintiff's experts on Wednesday, August 24, 2011 and Thursday, August 25, 2011.

As part of this process and due to a Rule 29 Stipulation and Order regarding the disclosure of certain privilege materials, it was anticipated that Plaintiff would be designating Mr. Carl Reynolds, Senior Vice-President of Claims, as the last deposition to be taken and completed in this action.

Clark County had also served a corresponding Notice of Deposition in accordance with the provisions of Rule 30(b)(6) with Mr. Carl Reynolds as the designated deponent.

In conjunction with both the Joint Agreement and Stipulation, Mr. Reynolds agreed to fly from St. Louis, Missouri for his deposition to be taken in Las Vegas no later than September 1, 2011 since the week of August 22, 2011 had been consumed with the remaining depositions in question. However, in advance of two days of his departure, Mr. Reynolds ascertained that his medical condition made it prudent for him to fly to Vegas especially since he was undergoing continuing treatment for his condition.

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1 Based upon Mr. Reynolds' advice from his medical treating physician, it was agreed that both  
2 counsel, further respective parties, that Mr. Reynolds' deposition would have to be postponed, at  
3 least for the foreseeable six to eight weeks.

4 Accordingly, both parties seek an order extending the discovery deadline for the sole purpose  
5 of completing Mr. Carl Reynolds' deposition no later than October 25, 2011. The parties also  
6 jointly seek an order extending the related deadline of the following dispositive motion.  
7

8 I.

9 **ARGUMENT**

10  
11 **A. BOTH PLAINTIFF AND DEFENDANTS AGREE THAT THE CONTINUED DEPOSITION OF**  
12 **MR. CARLTON REYNOLDS AND ITS CORRESPONDING RULE 30(B)(6) DESIGNATION**  
13 **IS IMPORTANT FOR THE COMPLETION OF DISCOVERY FOR BOTH PARTIES IN THIS**  
14 **MATTER.**

15 With the exception noted, all discovery has been completed with the exception of the  
16 deposition of Mr. Carlton Reynolds, the senior vice-president of claims for Safety Mutual.

17 There is no dispute between the parties that Mr. Reynolds was going to be the last deposition  
18 completed in conformance with the Court's prior discovery orders. However, under the  
19 circumstances, Safety Mutual presented a justifiable excuse for his inability to attend and participate  
20 in the scheduled deposition. Mr. Reynolds was certified as unable to travel to Vegas or participate  
21 in a deposition by his treating physician, Dr. Norman Fishman, M.D. (See Affidavit of Counsel  
22 attached hereto).

23  
24 **B. GOOD CAUSE EXISTS TO EXTEND DISCOVERY FOR THIS LIMITED 60 DAYS FOR THE**  
25 **SOLE AND EXCLUSIVE PURPOSE OF THE COMPLETION OF THE DEPOSITION OF MR.**  
26 **CARLTON REYNOLDS AS SAFETY'S RULE 30(B)(6) DESIGNEE.**

27 To facilitate the completing of Mr. Carlton Reynolds' deposition as well as his designation  
28 under Rule 30(b)(6), Plaintiff and Defendants jointly request that discovery in this matter be

1 extended for an additional 60 days for the sole and exclusive purpose of completing his deposition.  
2 It is anticipated that Mr. Reynolds will be able to travel or undergo his deposition within this time  
3 frame. Both parties submit that good cause exists to extend the discovery for additional 60 days in  
4 light of this deponent's medical condition.  
5

6 In accordance with Local Court Rule 26-4, the parties provide the following information:

7 Beyond those items which are first noted in the parties' joint submission of April 15, 2011,  
8 and the subsequent joint submission of June 30, 2011, the following additional deposition discovery  
9 has been completed:

- 10 1. July 28, 2011, an initial deposition session of Clifford Jeffers, Deputy District  
11 Attorney (Civil Division);
- 12 2. On August 1, 2011, Plaintiff took and completed the deposition of Defendant's trial  
13 expert, Peter Kochenburger;
- 14 3. On Thursday, August 4, 2011, Plaintiff took the deposition of Gail Brooks, a claims  
15 adjuster for the relevant third-party administrator for Clark County's Workers'  
16 Compensation Claims (CDS CompFirst; Nevada Administrators; and Sierra Nevada  
17 Administrators);
- 18 4. On August 23, 2011, Plaintiff took the last deposition of Elizabeth Ayres (the Clark  
19 County Workers' Compensation Coordinator);
- 20 5. On Wednesday, August 24, 2011, Defendant took the deposition of Plaintiff's expert,  
21 Jill Lynne, Esq.;
- 22 6. On August 25, 2011, Defendant took the deposition of Plaintiff's expert, Gary  
23 Jennings; and  
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1           7.       On August 26, 2011, Plaintiff took the final deposition session of Clifford Jeffers,  
2                   Deputy District Attorney Civil Division for Clark County.

3           **C.       DISCOVERY THAT REMAINS TO BE COMPLETED.**

4           The following discovery remains to be completed.

- 5
- 6           (1)       The deposition of Carl Reynolds, Senior Vice-President of Claims of Safety Mutual  
7                   in his individual capacity and as a Rule 30(b)(6) deponent.
- 8           (2)       Reasons why discovery was not completed. As set forth above, the deposition of Mr.  
9                   Reynolds was not completed due to his intervening medical illness.
- 10          (3)       Proposed schedule for the completion of all remaining discovery. The parties jointly  
11                   request an additional 60 days for the sole purpose of completing the remaining  
12                   deposition of Mr. Reynolds and the Rule 30(b)(6) deposition. The timing of Mr.  
13                   Reynolds' deposition will depend upon his release by his medical treating physician,  
14                   Dr. Norman Fishman of Chesterfield, Missouri. However, the parties anticipate Mr.  
15                   Reynolds' course of treatment will be completed within the next six to eight weeks.  
16                   Parties agree to coordinate Mr. Carl Reynolds' deposition accordingly whether in Las  
17                   Vegas or in St. Louis, Missouri upon mutually agreeable dates and times.

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20                               **II.**

21                               **CONCLUSION**

22           Based upon the foregoing, Plaintiff and Defendant respectfully request that the Court enter  
23           an Order allowing the deposition of Mr. Carl Reynolds to be completed as noted. The parties request  
24           the Court extend the discovery deadline for an additional 60 days for the sole and exclusive purpose  
25           of facilitating the taking of his deposition.

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1 Finally, the parties request that the deadline to file dispositive motions and/or to submit the  
2 Joint Pretrial Order be extended for an additional 90 days upon the following revision to the  
3 discovery plan and scheduling order:

- 4 (1) Discovery cutoff to be extended to October 25, 2012;  
5 (2) Dispositive motions deadline to be extended to November 23, 2011; and  
6 (3) Joint Pretrial Order deadline to be extended to December 23, 2011.

7 DATED this 7<sup>th</sup> day of September 2011. DATED this 7<sup>th</sup> day of September 2011.

8 THORNDAL, ARMSTRONG, DELK,  
9 DELK, BALKENBUSH & EISINGER

OLSON, CANNON, GORMLEY  
& DESRUISSEAUX

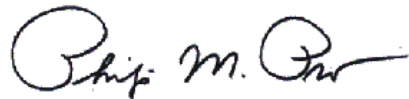
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Attorneys for Defendant

16 **ORDER**

17 IT IS SO ORDERED.

18 DATED this 8<sup>th</sup> day of September, 2011.

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23 PHILIP M. PRO  
24 United States District Judge  
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